

BEST AVAILABLE COPY

REMARKS

Claims 1-10 and 12 are pending. Claim 1 has been amended, claim 11 has been canceled, and claim 12 has been added. Claim 2 has been amended to correct a typographical error. In the Office Action mailed May 25, 2004, the Examiner rejected claims 1-5 and 11 under 35 U.S.C. 102(b) as being anticipated by EP 803,717 A, U.S. Patent No. 5,637,946 ("Johnson"), and U.S. Patent No. 4,421,186 ("Bradley"). The Examiner rejected claims 1-11 under 35 U.S.C. 102(b) as being anticipated by FR 2,752,298. The Examiner rejected claim 10 under 35 U.S.C. 103(a) as being unpatentable over EP 803,717 A in view of FR 2,752,298, as being unpatentable over Johnson in view of FR 2,752,298, and as being unpatentable over Bradley in view of FR 2,752,298.

Applicant's amended claim 1 is directed toward a mobile lifting device that comprises a mobile frame with a lifting mechanism for receiving and lifting cargo. The mobile lifting device also comprises a weighing device for weighing the cargo. The weighing device further includes a display panel coupled to a pressure or strain sensitive sensor. The weighing device is not integrated into the frame but rather is mounted additionally to the frame. The sensor is mounted to and is parallel over a part of the frame that is prone to mechanical deformation caused by the weight of the cargo. The sensor does not bear the entire weight of the cargo, but rather measures an indirect force of the cargo resulting from the mechanical deformation. The sensor then records the deformation and generates a corresponding electronic signal.

In the various references cited by the Examiner, in order to be able to record a weight of the cargo, the devices use load cells or other such elements are integrated into the frame of the device, thereby fulfilling both a structural purpose as part of the frame as well as a weighing function. In this manner, the entire force exerted by the cargo is transmitted to the load cells.

In contrast, Applicant claims a mobile lifting device where the force exerted by the cargo is not transmitted entirely and directly to the sensor. In Applicant's mobile lifting device, the majority of the force is absorbed by the existing structural part of the frame. Only an indirect force resulting from a mechanical deformation of the part is recorded by the sensor. This is neither taught nor suggested by the references cited by the Examiner.

For example, FR 2,752,298 describes a lifting device with a mobile frame that is provided with weighing means. The weighing means comprises a display panel (30) connected to a weighing element (13, 26). This weighing element comprises a base part (13) referred to as 'capteur the force', which replaces a part of the original frame, together with a sensor (26) referred to as 'les jauges de contrainte' integrated to the base part.

Contrary to Applicant's amended claim 1, this weighing element (13, 26) is not assembled additionally to the original frame but instead forms an indispensable part of the construction of the frame. If the weighing element (13, 26) is removed from the device, a part of the original frame is lacking, thereby rendering the entire device and not just the weighing function inoperable. Additionally, the entire force exerted by the load is transmitted to the weighing element (13, 26). The weighing element (13, 26) should therefore be capable of withstanding this entire force and actually measures the force directly. The weighing device claimed by Applicant, however, is applied over an existing part of the frame and merely measures an indirect force resulting from a mechanical deformation in the part of the frame as a consequence of a load on the device.

EP 803,717, Johnson and Bradley all describe forklifts in which the weighing sensors lie interposed between the bars or mounting plates of the forklift assembly. These sensors are hence not placed additionally to the frame, but they are integrated as an essential part of the frame linking the bars or mounting plates. If the sensors are removed from the device, these bars or plates would

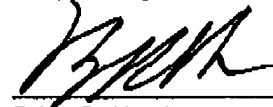
not be linked anymore, rendering the device inoperable. Moreover, the sensors are not applied parallel over a part of the frame, but instead are in series between the bars or plates. Also, the entire weight of load on the forks is transmitted to and measured by the sensors, this is in contrast to Applicant's claimed mobile lifting device in which the sensor does not bear the entire weight of the cargo. Accordingly, these three references do not teach or suggest Applicant's claim 1.

As described, the references cited by the Examiner, either alone or in combination, fail to teach or suggest all elements of Applicant's independent claim 1. Therefore, independent claim 1 and dependent claims 2-10 and 12 are allowable. If any questions or issues remain, the Examiner is invited to contact Applicant's attorney, Brian Harris, at his direct dial number of (312) 913-3303.

Date:

9/20/04

Respectfully submitted,



Brian R. Harris
Registration No. 45,900

McDonnell Boehnen Hulbert & Berghoff LLP
300 South Wacker Drive, 31st Floor
Chicago, IL 60606
Telephone: 312-913-0001
Facsimile: 312-913-0002

**This Page is Inserted by IFW Indexing and Scanning
Operations and is not part of the Official Record**

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images include but are not limited to the items checked:

- ☐ **BLACK BORDERS**
- ☐ **IMAGE CUT OFF AT TOP, BOTTOM OR SIDES**
- ☐ **FADED TEXT OR DRAWING**
- ☐ **BLURRED OR ILLEGIBLE TEXT OR DRAWING**
- ☐ **SKEWED/SLANTED IMAGES**
- ☐ **COLOR OR BLACK AND WHITE PHOTOGRAPHS**
- ☐ **GRAY SCALE DOCUMENTS**
- ☐ **LINES OR MARKS ON ORIGINAL DOCUMENT**
- ☐ **REFERENCE(S) OR EXHIBIT(S) SUBMITTED ARE POOR QUALITY**
- ☐ **OTHER:** _____

IMAGES ARE BEST AVAILABLE COPY.

As rescanning these documents will not correct the image problems checked, please do not report these problems to the IFW Image Problem Mailbox.